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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Report on the evaluation of the Romania Country Programme of Advisory Services and Technical Assistance in the Field of Human Rights

Note by the Secretariat

Addendum

The annex to the present document contains the report on the evaluation of the Romania Country Programme of Advisory Services and Technical Assistance in the Field of Human Rights, which is circulated to the Commission on Human Rights pursuant to its request at its fiftieth session that the Secretary-General present to the Commission at its fifty-first session a final evaluation of the fulfilment of the programme (statement of the Chairman of the Commission on Human Rights of 9 March 1994 (E/1994/24-E/CN.4/1994/132, para. 848)).

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Annex

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The annex is not included in this report. It can be consulted at the Centre for Human Rights, Technical Cooperation Branch.

Introduction

1. This report is the result of the work undertaken by four consultants appointed by the Centre for Human Rights and the Government of Romania in compliance with the statement of the Chairman of the Commission on Human Rights of 9 March 1994, which requested a final evaluation of the first comprehensive country programme of advisory services and technical assistance in the field of human rights implemented in Romania.

2. The aim of this evaluation was to assess the results and effects of the programme with a view to drawing lessons for improved performance in future activities of this kind.

3. It was understood that the evaluation was not intended to be an assessment of the human rights situation in the country.

4. The evaluation team was composed of two external experts appointed by the Centre for Human Rights and two experts appointed by the Romanian Government. The team met in Geneva on 8 February 1995 and carried out its work according to the following schedule:

8-11 February 1995	- Orientation, consultations and data collection at the Centre for Human Rights
13-22 February 1995	- Consultations, data collection and elaboration of draft report in Bucharest
23 February-1 March 1995	- Finalization of the report in Geneva.

The final report - the writing of which was to be equally shared among members of the team - was to be submitted by 6 March 1995 (see the Terms of Reference for the evaluation).

5. Prior to its visit to Romania, the evaluation team met with staff of the Centre for Human Rights involved in the project.

6. While in Romania, the team conducted interviews with selected categories of beneficiaries of the programme, such as ministry staff, professionals, non-governmental organizations (NGOs) and the Romanian Institute for Human Rights (IRDO). The evaluation team is grateful to all those who cooperated to make its work proceed as smoothly as possible.

7. For future endeavours of this kind, the team would recommend that such a comprehensive programme evaluation be planned well in advance in order to give the evaluators enough time to conduct their work in the most thorough and appropriate way.

8. In this specific case, the evaluation team could not spend as much time as it would have needed at the headquarters of the Romanian counterpart - IRDO. An international symposium on tourism and human rights organized by IRDO was taking place at the same time as the evaluation. While the team did have general discussions with representatives of the Council and the Director

of the Institute, it was impossible to conduct the evaluation with the same scrutiny and thoroughness as was possible at the Centre for Human Rights in Geneva.

I. BACKGROUND

9. Concerned at allegations of serious violations of human rights in Romania during the Ceausescu period, the Commission on Human Rights decided by resolution 1989/75 of 9 March 1989 to appoint a special rapporteur charged with the task of examining the human rights situation in Romania. Mr. Joseph Voyame, a Swiss national, fulfilled this function until the Commission ended the Special Rapporteur's mandate in 1992.

10. Subsequent to the revolution of December 1989, the new Government of Romania cooperated with the Special Rapporteur in the exercise of his functions. During 1990 and 1991, the Special Rapporteur, in consultation with the Government, identified several areas where the Centre for Human Rights could contribute to the strengthening of the protection of human rights in Romania through its programme of advisory services and technical assistance.

11. On the basis of the Special Rapporteur's recommendations, the Centre organized a number of activities during this period, including advisory services of experts in the legal and technical aspects of elections in April and May 1990, and technical assistance in the drafting of the Romanian Constitution.

12. On the basis of a request by the Government of Romania, the positive outcome of the previous experience and the conclusions of a mission to the country carried out in February 1991, a three-year programme of technical assistance was developed and an agreement concluded between the Centre for Human Rights and the Romanian Government in September 1991.

13. The Romania country project was the first truly comprehensive programme of advisory services and technical assistance undertaken by the Centre for Human Rights. The programme was implemented during the period 1991-1994 and was concluded in October 1994.

14. Pursuant to the recommendations contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993, the Commission on Human Rights requested the Secretary-General to present to the Commission at its fifty-first session "a final evaluation of the fulfilment of the programme of advisory services" in Romania and invited the Government of Romania "to provide the necessary information to this effect, including information on the progress achieved in overcoming remaining shortcomings" (statement of the Chairman of the Commission on Human Rights of 9 March 1994 (E/1994/24-E/CN.4/1994/132, para. 848)).

15. Under this approach and in the broader framework of the goals of advisory services and technical assistance by which the United Nations seeks to achieve the objective of the Charter of promoting respect for human rights, the Centre for Human Rights, in consultation with the Government of Romania, prepared the "Terms of Reference for the Evaluation of the Country Programme of Advisory

Services and Technical Assistance in the Field of Human Rights: Romania" and nominated two external experts. Two experts were nominated by the Government of Romania.

16. As set out in the Terms of Reference, "the team performing the evaluation should be guided by the programme concluded on 23 September 1991 between Mr. Jan Martenson, Under-Secretary-General for Human Rights, and Mr. Adrian Nastase, Minister for Foreign Affairs, and by the legal agreement dated 28 February 1992", and conduct an evaluation of the entire programme as implemented from September 1991 to December 1994 (sects. I-II).

17. The programme of advisory services and technical assistance in the field of human rights which started in October 1991 and ended in December 1994 took place in a context of dynamic transition following the major political changes in December 1989, with the Romanian Parliament adopting a great number of new acts, a new Constitution in November 1991, and the holding of free elections in February and May 1992. Significant progress was made in establishing an open legislative process and an institutional framework for better protection of human rights. During the past few years, a credible human rights NGO community has developed, contributing to the debate on human rights issues and concerns.

18. These developments have continued with the ratification by the Romanian Government of the Optional Protocol to the International Covenant on Civil and Political Rights in 1993, which accepted the competence of the Human Rights Committee to consider communications from individuals.

19. Romania was also admitted as a full member of the Council of Europe and ratified the European Convention on Human Rights and its additional Protocols, as well as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its two additional Protocols.

20. Nevertheless, this positive trend has not yet been completed. Shortcomings concerning the full enjoyment of human rights have still to be tackled as far as the judiciary process is concerned, where many of the reforms enacted in legislation have not yet been fully implemented.

21. The question of persons belonging to national minorities is apparently an area of concern where efforts to improve the situation are under way. With the establishment of a special advisory body - the Council for National Minorities - in 1993, the Government hopes to overcome these problems.

22. It was within the framework outlined above that the comprehensive country programme of advisory services and technical assistance took place and was seen as a complement to the efforts under way to promote respect for human rights at all levels of society.

II. DESCRIPTION OF THE PROGRAMME

23. On 23 September 1991, an agreement was signed in Bucharest by Mr. Jan Martenson, Under-Secretary-General for Human Rights, and Mr. Adrian Nastase, Minister of Foreign Affairs of Romania, concerning a United Nations Country Programme of Advisory Services and Technical

Assistance in the Field of Human Rights for Romania. The Programme was conceived for a duration of 2-3 years. A broad outline of the programme was attached to the agreement, indicating the following types of activities: information and publications; training and education; seminars or workshops on specific topics; fellowships; and advisory services of experts.

24. The outline indicates the Romanian Institute for Human Rights as the focal point for the organization of the various seminars, training courses and workshops, as well as the recipient and disseminator of important United Nations documents and publications in the field of human rights, made available by the Centre for Human Rights.

25. Previous activities in the field of human rights organized in Romania by the Centre for Human Rights had included advisory services of experts in the legal and technical aspects of democratic elections, in April and May 1990; and technical assistance in the drafting of the new Romanian Constitution, in the form of a seminar on human rights in constitutional law held in Geneva in December 1990, and a mission of experts to Bucharest in February 1991.

In 1991

26. Under the country programme, a Seminar on International Human Rights Standards for Judges of the Romanian Supreme Court was held in Bucharest from 23 to 26 September 1991, at which seven international experts and four staff members of the Centre for Human Rights participated. The seminar was followed, on 26 September 1991, by a briefing on the United Nations and Human Rights for Romanian non-governmental organizations.

In 1992

27. In order to provide expert assistance with regard to legal and technical aspects of local, parliamentary and presidential elections in 1992, an international expert and two staff members of the Centre for Human Rights undertook a mission to Romania from 1 to 3 April 1992. The expert returned to Romania in May 1992.

28. Three fellowships were granted to Romanian teachers to attend the summer course on Human Rights and Peace Teaching organized by the International Training Centre in Geneva, from 13 to 18 July 1992.

29. The Chief of the Advisory Services and Technical Assistance Branch of the Centre for Human Rights participated in the UNDP Round Table on Change, Systems and People, held in Bucharest from 4 to 6 September 1992.

30. During October 1992, at the request of the Romanian Government, an electoral observation mission was undertaken by a staff member of the Centre for Human Rights.

31. A training course on Human Rights in the Administration of Criminal Justice was held in Bucharest from 19 to 23 October 1992. The course was attended by some 87 Romanian law enforcement officials, police, military and prison personnel. A panel of five international experts assembled by the Centre for Human Rights for both their familiarity with international human

rights standards and their practical experience in the field of law enforcement, together with seven local experts, conducted the course.

32. From 30 November to 4 December 1992, in Bucharest, a seminar was held on Human Rights in the Administration of Justice for 40 Romanian judges, lawyers and procurators. Participants from around the country took part in discussions and working sessions led by a panel of international and local experts on a range of subjects related to the human rights implications of the daily work of professionals in the legal field.

33. A Training Course on Teaching of Human Rights for Romanian primary school teachers was held at the Romanian Institute for Human Rights from 7 to 11 December 1992. Selected participants from the country's districts benefited from intensive working sessions, conducted by seven international experts and six local experts, designed to prepare them to introduce human rights knowledge into daily teaching activities.

34. A training course for Romanian teachers at the secondary school level was conducted in Bucharest, by seven international experts and six local experts, from 14 to 18 December 1992.

35. In January 1993, Mr. Joseph Voyame was appointed part-time Executive Director of the Romanian Institute for Human Rights (IRDO) for a period of one year, expiring in December 1993. The expenses related to Mr. Voyame's position were financed under the country programme for Romania.

36. Another dimension of the assistance extended by the Centre for Human Rights, in order to prepare young specialists in the field of human rights, was the granting of fellowships. Five candidates selected by the Centre, in collaboration with the Romanian Government and IRDO, from among NGO representatives and minorities' organizations, benefited from a fellowship programme held in Geneva and Strasbourg in July 1993.

37. In November 1993, five candidates selected from among government officials responsible for preparing Romania's reports under the relevant treaties participated in a training course in Geneva.

38. From 1 to 5 March 1993, some 50 professors of the Romanian Police Academy and the Military Academy in Bucharest, together with international and local experts, took part in a training course on Human Rights in the Administration of Justice. The course was organized in working groups, concentrating on specific topics.

39. A Workshop on Conflict Resolution between Citizens and State Organs was held from 10 to 14 May 1993, under the guidance of five international experts, two local experts and two staff members of the Centre for Human Rights. Among the 50 participants were NGO representatives, trade union activists and persons belonging to national minorities.

40. From 16 to 20 August 1993, a seminar was organized on Human Rights and the Media, at which some 60 persons from the media community participated. The debates were animated by five local experts and five international experts.

41. On 24-25 September 1993, the city of Timisoara was host to a seminar on Protection of Human Rights in Internal and International Law organized by the Centre for Human Rights together with the International Union of Lawyers and the Institute for Human Rights of the Montpellier Bar Association.

42. In order to assist in preparing the Law on the Ombudsman in Romania, two international experts provided consultancy services for the drafting of the law on the organizing and functioning of the Ombudsman Institution.

43. From 29 November to 3 December 1993, the Centre for Human Rights held a seminar on Human Rights in the Administration of Justice, in Bucharest. Five international experts, together with 5 local experts, animated the workshops, in which some 70 magistrates, lawyers, procurators, NGO representatives and journalists participated.

44. A briefing of Romanian non-governmental organizations on human rights was organized on 9-10 December 1993, attended by some 50 participants.

45. A first round of consultations on the country programme was held in Bucharest on 6 December 1993, at which the Centre for Human Rights and the Romanian Institute for Human Rights participated, together with representatives of the main ministries concerned, United Nations agencies operating in Bucharest and NGOs.

46. The last two activities of the programme, initially planned to take place in 1993, were rescheduled for 1994:

- An International Seminar dedicated to National Minorities Issues was organized in Bucharest by the Council for National Minorities, the Government of Romania, IRDO and the Centre for Human Rights, from 18 to 21 October 1994. Representatives of the organizations of national minorities and of different NGOs, as well as members of parliament representing persons belonging to national minorities, and members of the commissions for human rights of the two chambers, took part in the debates.

- A seminar on the Right to Protection - An Alternative for Children in distress was organized in Bucharest and Bacau from 24 to 28 October 1994 by the National Committee for the Protection of the Child and the Romanian NGO, Save the Children. Some 100 participants, including international and local experts, and government and NGO representatives, took part in the debates.

47. During 1992 and 1993, the Centre for Human Rights provided the following equipment to the Romanian Institute for Human Rights: three computers, one modem, one slide projector, one video camera, one video player-recorder and one television set.

48. The Centre also assisted the Romanian authorities by providing comparative legal texts relevant to the process of legislative development. In this regard, the Centre collected the organic laws of a number of democratic countries relating to the establishment and functioning of the

Advocate of the People, political parties, the superior council of the judiciary and the public ministry, and forwarded them to the Government.

III. DESIGN

49. The basic programme outline, signed in September 1991, does not specify any objectives. Nor do the more specific arrangements agreed on in early 1992 and covering the years 1992 and 1993.

50. However, an intermediate document (in French), exchanged in December 1991 between the Permanent Representative of Romania in Geneva and the Centre for Human Rights, spelled out the programme objective as follows (our translation):

> "The establishment, at all levels, of an adequate framework for the promotion of human rights and knowledge of international standards, including the systems of national and international protection".

51. Apparently, this formulation was not used again - certainly not in an official way - during the implementation period. Specifically, the accord signed in September 1994, which opened the way for the remaining two seminars held in October 1994, does not mention any objective for the whole programme or the last part of it.

52. Only in the Terms of Reference for the evaluation mission is the question addressed again:

> "For guidance, the team may assume that the long-term objective of the programme was to support the strengthening of the promotion and protection of human rights in Romanian society." (Sect. I.)

53. Any adherent of the logical framework approach, according to which a project or programme has to be oriented towards one or more clearly determined objectives, will feel somewhat uncomfortable with the cavalier treatment of this issue in the programme under consideration.

54. The Centre for Human Rights has itself been moving recently towards the effective application of the logical framework approach, but even in the past the corresponding notions were not completely outside its preoccupations. In this respect, reference can be made to the directives for project formulation of December 1990, which include detailed considerations of immediate and long-term objectives and of other building blocks of the logical framework approach. That this was more than pure theory can be inferred, for example, from a short project document of April 1990 concerning the provision of the services of experts to advise the Romanian authorities on the legal and technical aspects of democratic elections. This document, short as it is, states both the global and the immediate objective of that particular project (and, of course, the planned activities).

55. Let there be no misunderstanding: the logical framework approach is neither necessary nor sufficient for a good project or programme. Nor is it an easy instrument, especially for technical assistance in such fields as human rights, where indicators for the achievement of objectives are difficult

to state and even more difficult to ascertain. But at least it provides points of reference for monitoring and evaluations, and the evaluation team appreciates the implicit use of the approach in the Terms of Reference.

56. After this short excursion into methodology, let us now return to the above-mentioned objectives.

57. Whereas the formulation contained in the Terms of Reference constitutes explicitly a long-term objective, the document of December 1991 is not clear about the distinction between immediate and long-term objectives. As the latter document presents only one objective, one may infer that it should be the immediate objective of the programme. This interpretation is fairly well borne out by the content, although as such the objective turns out to be very, even overly, ambitious.

58. First, to establish an adequate framework at all levels was certainly a laudable aim, but with hindsight it appears that both the time and the means were too limited to cover, for example, the whole local level, even if the programme implementation had been more oriented towards the countryside than it actually was. Secondly, assuming for the sake of argument that today there is an adequate framework for the promotion of human rights in Romania, it has to be admitted that its establishment was supported by other sources as well, so that the programme assisted by the Centre for Human Rights contributed but conjointly to the outcome.

59. As the above objective concentrates on institutional aspects of the promotion of human rights, the long-term objective enunciated in the Terms of Reference provides a welcome complement by evoking also the protection of human rights. Later sections of this report will show that the programme has been stronger with regard to the promotion than to the protection of human rights, even though there is, of course, a strong link between the two.

60. Unfortunately, here as in many other cases it is not clear how long the long term is meant to be. In other words, is the long-term objective to be achieved by the end of the programme, or rather a few years later? Such problems of interpretation are avoided or at least reduced by the formulation not of a long-term objective, but of an overall (higher) objective, to the achievement of which a project or a programme is intended to make a contribution.

61. Almost by definition, technical assistance is addressed to persons or institutions, the so-called target groups. The various official and unofficial documents of the programme under review do not use that term, but various target groups are implicitly described for the main areas of intervention, which were, as indicated in the programme description (sect. II above), education and training, fellowships, advisory services, assistance to the Romanian Institute for Human Rights (IRDO) and information activities. For example, the activities relating to education and training had representatives of different professional categories as target groups, and such representatives were reached through their participation in seminars, and so on.

62. While this is straightforward, the situation is more complex with respect to the "snowball effect", i.e. the transmission of knowledge and information acquired by the seminar participants to wider audiences, which constitute indirect target groups. The teachers and professors trained in the seminars were obviously expected to use the contents in their own teaching activities. This was actually put into practice, whereby the programme also reached a considerable number of pupils and students.

63. In addition to this vertical transmission, a further multiplication came about through the ensuing elaboration of new teaching materials to be used also by other teachers, for example a book on civic education, including aspects of human rights. There were also links with the activities of a human rights NGO, the Independent Romanian Society for Human Rights (SIRDO), which reaches an increasing network of teachers.

64. The snowball effect is less evident, if indeed it exists, in the case of other professional groups, for example police officers or prison officials. In this respect, the programme could have included a more pronounced follow-up.

65. For the information activities, the Centre for Human Rights assisted in the publication of human rights texts, and the distribution was undertaken by the Romanian side, especially by IRDO. The evaluation team was not in a position to check whether the texts had actually reached their destination points, but it was assured that the distribution had taken place as planned.

66. Were the activities foreseen under the programme likely to produce results leading to the achievement of the indicated objectives? In a certain way, this question seems of limited interest in the case under review, because quite obviously the programme was defined mainly through the planned activities, and the formulation of objectives was, as shown above, "pasted" on to that structure, while the intermediate step of results (each result being produced by a group of activities) was left largely undefined. Thus, while the logical framework approach proceeds, at least in principle, from the top down, namely from the objectives via the results down to the activities, the approach here was from the bottom up, focusing first and foremost on the activities to be undertaken.

67. This contrast is something of an exaggeration, however, because it is safe to assume that the designers had in the back of their minds a theoretical structure linking the activities they planned to objectives corresponding to the ones discussed above. And even in retrospect, the battery of activities planned appears an appropriate response to the problems Romania faced at the time.

68. Incidentally, while the Terms of Reference link the whole programme design to the performance of the Centre for Human Rights, the evaluation team feels that, for example, the choice of the activities to be undertaken was also and perhaps mainly a Romanian choice, because the task of the assessment mission of February 1991 was not to preach or to sell a package deal, but to listen and to discuss, somewhat along the lines of the motto over IRDO's

fireplace: memento audere semper. The process of collecting suggestions during various meetings is indeed described in the introduction to the programme outline of September 1991.

69. On the other hand, the programme design certainly reflects what the Centre for Human Rights considered feasible. But the Centre was quite forthcoming, as almost all the forms of technical advice and assistance activities it had so far developed were included, except the services of a "long-term" expert - and an equivalent of this latter component was subsequently added for the year 1993.

70. Obviously, such an encompassing programme needed substantial financial resources. According to the agreement of September 1991, the initial contribution of the United Nations Fund for Advisory Services and Technical Assistance in the Field of Human Rights (UNFASTA) was "to be determined after evaluation of costs, but not exceeding [US$] 200,000". (The agreements signed in February/March 1992 do not quantify the respective contributions in monetary terms, nor does the additional accord of September 1994.)

71. The actual evaluation of the costs must have shown quickly that the initial limit did not carry very far. Consequently, on 10 June 1992, the Under-Secretary-General for Human Rights signed an internal authorization setting the UNFASTA contribution at US$ 621,600. Adding to this amount 13 per cent in programme support costs ($80,800), one arrives at a grand total of $702,400.

72. It may be noted in passing that the authorization indicates 30 June 1992 as the estimated starting date of the Romania country programme. This implies that, contrary to the impression given in other documents, the (relatively modest) activities undertaken in late-1991 and the first part of 1992 were not financed out of the budget of the country programme.

73. The evaluation team does not have at its disposal the complete figures for the actual programme expenses year by year. Apparently, there were no later additions to the authorization of June 1992, although the amounts for the individual years (1992, 1993 and 1994) had to be reshuffled.

74. Overall, the resources provided for the programme seem to have been sufficient for the contributions of the Centre for Human Rights. Indeed, some adaptations of the budget lines made it possible to provide for the non-programmed (part-time) services of an international expert during 1993.

75. In the course of implementation, the Centre for Human Rights was sometimes "unable" to cover certain costs that the Romanian side wished it would. However, this was due not to a shortage of money, but rather to the application of the agreements concluded.

76. The financial situation was certainly much tighter on the Romanian side. Apparently, the Government had no explicit budgetary provisions for the programme, and the system of "pay as you go" proved sometimes to be quite difficult. Nevertheless, there are no signs of major obstacles to the programme implementation due to lack of resources for Romania's contribution.

77. The evolution of the budgetary situation of the Romanian Government might have been among the external factors to be considered at the outset as having a possible influence on the programme's implementation and success. However, the original documents already cited do not contain references to external factors or to assumptions about the influences such factors might have.

78. Fortunately, the programme was not seriously hindered or threatened by external factors. A factor whose potential influence might have been envisaged is the delicate issue of minorities. Nevertheless, in spite of difficulties in this respect, it was possible to hold the seminar on national minorities, albeit at a later date than originally foreseen.

79. A positive development was the previously mentioned fact that other sources, for example the Council of Europe, furnished increasing assistance to the promotion of human rights in Romania - assistance channelled in large part through IRDO, which thereby gained additional leeway for its activities. Notwithstanding some imperfections concerning the coordination between "donors" in this field, the various efforts seem to have usefully complemented each other. The only disadvantage, if one may say so, is that such interaction makes the impact assessment of one particular programme even more difficult, if not impossible.

80. An important contribution to the promotion and protection of human rights in Romania was also made by some non-governmental organizations, which gained in strength as they received increased financing from various sources. Even though the programme design had included NGOs, for example through fellowships and briefings, their evolution remained largely an external factor, as the cooperation with them did not fully develop.

IV. IMPLEMENTATION

81. According to the official documents, the institutional framework for the implementation of the programme comprised, on the one side, the Centre for Human Rights, and on the other side the Government of Romania. The intermediate document (in French) of December 1991 (see para. 50 above) added the specification that the coordination of the programme implementation was to lie with the Ministry of Foreign Affairs through its Division for Human Rights.

82. In the arrangements of 1992, the Romanian Institute for Human Rights (IRDO) figures only as the addressee of some assistance activities. The seminars were to be organized by the Centre for Human Rights, the distribution of information material by the Government. As already indicated, IRDO became in actual fact a central actor, with regard both to assistance in the organization of seminars and to the production and dissemination of information material. Indeed, in many ways IRDO has been the Centre's local partner, acting as unofficial contact between the Centre and Government officials and agencies, supplying logistical support, issuing invitations to participants, recruiting local experts, translating and distributing programme materials, providing premises and interpretation facilities, and so on.

83. The Institute seems to have performed all these functions well, and it is clear that, without its support, the programme would not have advanced as effectively as has been the case.

84. On the other hand, the Centre for Human Rights, with no clear plan, no precisely stated objectives and no past experience, was able to respond very quickly to the perceived needs of a country in transition, to go in and organize and conduct, under a totally new approach, its first training courses.

85. While the programme outline of September 1991 enumerated possible activities, the arrangements of February/March 1992 were quite specific, including a precise time schedule. By and large, the implemented activities correspond to those foreseen, but the rhythm of implementation was slower than envisaged. Among other things, this implied that, contrary to the provisions of the arrangements, the programme was not "exhausted" by December 1993. To cover the remaining activities, an additional legal accord was considered necessary. This accord, somewhat slow to come about, was eventually submitted and signed in September 1994. It provided for two more seminars to be held in October 1994, which seminars were implemented along the lines of the said accord.

86. As mentioned earlier, a non-foreseen part of the implementation was the longer-term provision of an international expert, Mr. Joseph Voyame, who served - on a part-time basis - as Executive Director of IRDO during 1993. An admittedly frail link to the programme documents might here be seen in the fact that the arrangements of February/March 1992 envisaged "expert assistance in setting up the Centre for Training and Studies" of IRDO. Such a Centre was not established as an independent entity, but the subject-matter is to a certain extent covered within IRDO.

87. The fact that, overall, the programme implementation was slower than foreseen constitutes to a certain extent merely another example of the general experience that planners tend to be too optimistic. But there was also a perfectly valid reason to stretch out in time the programme with the Centre for Human Rights, namely the unfolding of activities assisted by other, newly surfaced donors.

88. Discussions about the rescheduling of the programme did take place, but they are not well documented. As the international experts were often contacted and hired at very short notice, it may be inferred that there was insufficient planning ahead or even that it was sometimes difficult to know exactly what was to take place when during the six months or the year ahead.

89. In general, the documentation concerning the implemented activities is of mixed quality. There are numerous useful and interesting reports, notes, etc., but for some activities the documented information is scanty. In any case, the files are currently in such an unsystematic state that it is difficult to find specific documents, let alone groups of documents. In this respect, there is plenty of room for improvement.

90. The comprehensive report prepared by Mr. Voyame was submitted to the Commission on Human Rights for its fiftieth session in early 1994. The

evaluation team learned only in Bucharest that IRDO, in a letter addressed to the Under-Secretary-General for Human Rights, had expressed a certain number of reservations.

91. On a few occasions, stock was taken of the programme, but there are no periodic progress reports by the Centre for Human Rights or by the Romanian side. Nor is there a final report, which, incidentally, would have much facilitated the task of the evaluation team.

92. The various activities generally included evaluations, but not all of these are documented in the files. An important missing link are the evaluations made by the participants in seminars, etc. Apparently, the participants filled out questionnaires at the end of each seminar, sometimes even at the end of each day, but there are no written summaries of the answers. Even the completed questionnaires themselves are no longer available.

93. Some of the international experts took up the invitation to comment on the activities they had participated in, especially the seminars. Recurring themes of criticism are the short preparation times and the cumbersome administrative procedures of the United Nations. Another question raised repeatedly was the selection of candidates, which is addressed later in this section. Local experts do not seem to have had the opportunity to evaluate the seminars in a written form.

94. The Centre's staff allocation to the implementation of the programme is first and foremost characterized by a great number of changes. The briefing of staff members newly assuming responsibilities within the programme is not documented and, given the above-mentioned deficiencies of the files, their familiarization with the programme must sometimes have been quite difficult.

95. At certain periods, two or more staff members dealt in parallel with the programme, which was of course an advantage in the case of individual absences, but which also left open the question of who was really in charge. On the other hand, the staff members interviewed showed a high degree of identification with the programme. They quite readily admitted shortcomings or even mistakes, but stressed that both the individuals concerned and the Centre as a whole had learned a lot in the process - knowledge and experience to be used to the advantage of other country programmes.

96. The division of responsibilities between the Centre for Human Rights and the Romanian side requires hardly any comments, as it functioned rather well. A few exceptions to this rule occurred, as already pointed out, in the financial field. For example, the question of who had to cover the travel expenses of participants in the seminars seems to have caused some controversy.

97. A potential source of problems was the somewhat blurred division of responsibilities between the Romanian Government and IRDO. It would be good if future programme agreements could be more precise about the roles of the implementation partners in the country concerned.

98. The fact that both parties involved expressed the view that the Romania country programme had been a success tells us that, all in all, the cooperation between the Centre for Human Rights and its Romanian partners functioned satisfactorily. Nevertheless, during the three years of implementation the two parties had to overcome challenges, difficulties of understanding and a number of recurring problems.

99. As already emphasized, an important part of the cooperation concentrated on IRDO, which received funding to perform certain programme functions as well as to conduct its own activities, including its research and the development of its documentation centre. Furthermore, the appointment of Mr. Voyame, former Special Rapporteur on Romania, as Executive Director of IRDO was intended to strengthen the independence and prestige of the Institute, as well as to facilitate a closer working relationship between IRDO and the Centre for Human Rights. Given the absence of a job description, however, such initial expectations have to be guessed; Mr. Voyame himself felt that the position of adviser might have been more appropriate than that of part-time director.

100. According to the Centre for Human Rights, despite IRDO's establishment by Parliament as an independent body, there have been several occasions where the Institute's links to the Government have operated to the detriment of the Centre's activities. Selection of participants in seminars and training courses has not always followed the Centre's wishes, and sometimes last-hour discussions had to take place to modify the selection. Also, arrangements were often subject to time-consuming "negotiations" between the Centre, IRDO and Government ministries.

101. For its part, IRDO had several critical remarks concerning the operation of the Centre, notably the choice of international experts, who were not always as professional as they should have been. For instance, these experts very often did not have an up-to-date knowledge of the country and its process of democratization. Other contentious subjects were delays in paying the fees of national experts and in the transmission of documents.

102. In consideration of the saying, which is popular in Romania, verba volant, scripta manent, IRDO tries to document, in its quarterly review Drepturile Omului (Human Rights), the proceedings of events such as seminars and workshops. In the case of the country programme under review, this was difficult or impossible, because the contributions of the international experts were not available in written form or because the experts did not leave their papers for publication.

103. The evaluation team took good note of these deficiencies and cannot but recommend that they be considered and resolved in future activities.

104. An area of concern which must be touched on in this evaluation is the relationship with the NGO community in Romania.

105. In any open and democratic society, human rights NGOs play a vital role in the promotion and protection of human rights. Consequently, it has been and continues to be a firm policy of the Centre for Human Rights that the major NGOs be invited to participate in, or to attend as observers, all activities organized by the Centre.

106. Unfortunately, despite efforts made to establish and maintain substantive contacts with the Romanian human rights community, the implementation of the country programme has done little to cement or strengthen this relationship. The main reasons for this seem to be:

- the close working relationship between the Centre and IRDO;

- the fact that many NGOs do not understand or do not appreciate the role and status of a national institution, considering it as a well-funded organization in direct competition with them;

- the fact that IRDO has not sufficiently succeeded in affirming its independence and impartiality vis-à-vis the NGOs;

- the fact that even Mr. Voyame's appointment as Executive Director of IRDO did little to overcome this unease.

107. Progress in this respect is to be made through goodwill, dialogue and better contacts between IRDO and the NGOs. In the view of the evaluation team, IRDO's role should also be to strengthen these first-line defenders of human rights and to speed up the development of a participative NGO community.

108. In its talks with the Institute's director, the team suggested that an independent evaluation of the functioning of IRDO should take place as soon as possible in order to take stock of its experience and review its priorities, taking into account the changing needs of the society.

109. It should be noted that the Centre's staff members involved in the programme noticed themselves the problems discussed above and took concrete steps to overcome them as far as they could. In 1994, the Centre adopted a new approach by reallocating the last two seminars to specialized agencies and NGOs.

110. In conclusion, the continuous monitoring of this "incubator" programme led to various corrections and readaptations in order to strengthen cooperation, results and effects.

V. PERFORMANCE

A. Advisory services of experts in the field of legislative reform

111. In general terms, most of the activities undertaken within the overall programme dealt with aspects of particular relevance for reform in the legal field, especially in those areas related to promotion and protection of human rights. However, the assistance in the drafting of the new Constitution, the advice related to electoral laws, and other forms of assistance concerning specific organic legislation - in particular the bill on the Ombudsman - were the basic "advisory services" provided in the legal field.

112. Part of this assistance had been extended to Romania before the comprehensive country programme actually started. None the less, assistance such as that regarding the drafting of the new Constitution proved useful for programme activities focusing on legal reform at large. Evidence to that

effect is provided by the minute discussions and comments on all major constitutional issues having an impact on human rights, as well as by the Secretary-General's appraisal of the new Constitution, which he deemed "exemplary" for that reason (See SG/SM/94/171 of 27 October 1994).

113. As far as the advice related to electoral laws is concerned, it appears - particularly from the files - that this was one of the most documented, thorough and followed-up activities within the country programme. Such assistance was carried out as part of the programme per se only with respect to the 1992 local, parliamentary and presidential elections. However, the 1992 services could build on previous experience from the visits the expert undertook for the first free elections of 20 May 1992.

114. These expert missions seem to have had in common a comprehensive approach and implementation, in the sense that:

- they addressed a wide range of electoral topics to be dealt with in the relevant laws, and went on to examine concrete technical aspects implied by the holding of fair elections, including detailed suggestions on instructions for polling station bureaux;

- meetings were organized, in a first stage, with a broad spectrum of actors involved in electoral processes: government and elected officials, political party leaders, election commissions, journalists, civic monitoring organizations, and candidates. This enabled the gathering of sound knowledge of the environment in which the elections were to be held;

- a certain continuity and follow-up was made possible by the fact that the 1990 mission took care to formulate recommendations for future electoral laws. The experts selected by the Centre for Human Rights, as well as United Nations participating personnel, reported on the activities undertaken in Romania and made an evaluation of future needs in the electoral domain, which included a systematic "analytical outline". Thus subsequent missions were in a position to develop comparisons with previous elections.

115. Apparently, all the "enabling legislation" to be drafted, which was enumerated in the initial agreement of 1991 (Chap. V, para. 26), benefited from support provided by the Centre for Human Rights. None the less, it was the draft law on the Ombudsman that received most of the attention devoted to legislative reform. While a draft law providing for the establishment of this institution was being prepared by IRDO with the help of experts designated by the Centre - on the basis of conclusions drawn from a previous workshop on conflict resolution - it had not been passed by parliament at the time the present report was prepared. It seems that the commencement of a parallel Council of Europe enterprise having the same aim did not amount to harmful duplication of efforts.

116. The Centre also provided comparative legal texts for the projects Romanian authorities were considering with respect to the Advocate of the People, the organization and functioning of political parties, the superior council of the judiciary and the public ministry.

117. On the whole, the activities carried out in execution of chapter V provisions of the 1991 framework agreement qualify as useful contributions to the achievement of the objectives set out under that heading. They probably rate among the most successful forms of cooperation developed within the country programme for Romania.

B. Human rights training in the administration of justice

118. The administration of justice represents a major testing area for the respect of human rights. Accordingly, it has been attributed priority and weight, both within the framework agreement and in the concrete implementation of the country programme.

119. Within the larger theme of human rights in the administration of justice, a functional distinction was operated among the training activities: some were designed for judges, magistrates and lawyers, while others specifically addressed police and other law enforcement personnel.

120. A further distinction was made with regard to lawyers, for whom special seminars and training programmes were held - benefiting also from bilateral, especially French, assistance, and from the involvement of international or national professional organizations of lawyers.

121. As a general remark, a certain imbalance appeared in the implementation of this programme segment, in the sense that perhaps stronger emphasis should have been placed on providing training for law enforcement agents. Indeed, it seems that programme activities intended for magistrates and lawyers more easily reached their immediate objective of imparting greater familiarity with international and regional human rights standards, even if a more consistent national follow-up might have been envisaged as well.

122. Programme activities targeted to police and prison personnel - who have to deal with human rights issues in the most concrete way - should perhaps have been given greater attention from the inception of the country programme.

123. As far as seminars and programmes for training magistrates and lawyers in the field of human rights are concerned, and from the point of view of ensuring a consistent and pervasive follow-up, it appears that a more direct involvement of organizations of the legal profession (e.g. Romanian Association of Judges; national or local bar associations) should have been considered. These organizations could have been instrumental in ensuring better follow-up and spreading of knowledge among the legal profession itself and thus magnified the effects and impact of the activities in question.

124. Also in regard to the courses for magistrates and lawyers, it was suggested that international experts - whose professional quality was manifest - be better briefed in advance on the legal system of the host country, in order to avoid unnecessary impairment of the standard of presentations and, worse, detrimental misrepresentations (like the suggestion one expert made that Romania should also have a criminal law).

125. Where local and foreign professional organizations were actively involved in organizing the seminars, these activities amounted to a genuine

and mutually enriching exchange of opinions and experience. This was apparently the case with the seminars for lawyers, all organized outside the capital.

126. With particular reference to the seminar on human rights in the administration of justice, attended by police and prison personnel, the following main evaluation points are emphasized:

- Although the attendance was reportedly characterized by frequent changes, for various reasons, participating police and prison officials seem to have been selected mainly in the light of their current involvement in crime investigation or detention of accused persons or convicts. Also, attention was paid to inviting police from duty stations located in some 16 districts around the country. Their participation marked an effort to stretch the programme implementation outside the capital area.

- Although systematic criteria were thus applied in the selection of participants, perhaps increased attention should have been paid to inviting current or potential trainers from within the ranks of police and prison staff, in order to enhance the multiplying effect of the seminar. In this respect, however, the seminar for the police should be seen in connection with the course for professors and students of the Police Academy, which somewhat compensated for certain shortcomings on the dissemination side.

- While the topics chosen covered areas of particular interest for the participants (effective methods of legal and ethical interviewing; minimum standard facilities for detainees; prison-related health issues; special categories of detainees, for example juvenile or women offenders), participants interviewed would have favoured a greater use of applicative methods. They pointed out in this regard the approach whereby participants were divided into working groups according to their field of interest, which stimulated an active involvement in the ensuing debates.

- Dissemination and subsequent evaluation were not always clearly conceived and, consequently, not always carried out in a systematic way. They mainly took the form of internal reports and informal disseminating methods (e.g. resort to the newly created Committee on Human Rights as part of the Ministry of Interior structure). Although comprehensive questionnaires were distributed by the Centre for Human Rights, it is not clear whether they had been filled out, translated and analysed.

- International experts were well chosen for their combined knowledge of human rights standards, as well as of concrete law enforcement activities, and appropriate media coverage of the proceedings was ensured.

127. A very useful follow-up to this seminar was a three-week on-site training course for prison officials organized by the Swiss authorities, which appears to have enhanced the impact of the seminar.

C. Human rights education

128. The educational component of the advisory services and technical assistance programme is meant to make an essential contribution to the achievement of the programme's overall objectives. In targeting generations coming to the forefront of society, this programme segment is particularly important in the process of changing old mentalities.

129. The activities carried out under this heading relied on the typical "train the trainers" approach. Consequently, a very large audience was reached directly or indirectly and continues to be reached even after the completion of the programme.

130. The target groups - primary and secondary level schoolteachers, as well as professors and students from the Police Academy and the Military Academy - were, by definition, a source of "natural", multifold dissemination of knowledge gained throughout the human rights training organized by the Centre for Human Rights and IRDO. In this type of activity, there is a certain guarantee that the information imparted at such courses and the related impact will be conveyed, on a regular basis, to the participants' students.

131. Although apparently no systematic, professional follow-up to these seminars was provided for (apart from the "natural" dissemination described above), it seems that notable steps were taken by a variety of actors, especially in the direction of developing educational programmes and incorporating human rights knowledge into the curricula of various educational institutions.

132. Thus a series of decentralized human rights seminars was organized by IRDO for schoolteachers and pupils in early 1993. Subsequently, the Institute developed and monitored a network based on human rights courses held by teachers previously trained at United Nations seminars.

133. A complement to that approach are workshops based on interactive, innovative teaching methods drawn from United Nations seminars. These workshops are intended for children from Bucharest and other cities of Romania and are organized by a non-governmental organization active in this field - the Independent Romanian Society for Human Rights (SIRDO).

134. Incorporation of basic human rights notions in school curricula has already materialized in the form of a special chapter in the textbook for the "Civic and Ethical Education" course. However, this textbook appears to be undergoing a process of revision, with the aim of reflecting knowledge gained at the seminars on interactive teaching methods, as well as the approach SIRDO is pursuing in certain educational establishments.

135. Law schools in Romania already have a semester course on Human Rights and Fundamental Freedoms as a mandatory subject.

136. A final point should be made on the particular relevance of the topics selected for the course for Police Academy professors, which concentrated on routine police activity in a democratic society (non-discrimination and

community policing; safeguarding the rights of the accused during investigation and pre-trial arrest; and policing demonstrations and internal disturbances).

D. Workshop on Conflict Resolution; Seminar on Human Rights and the Media

137. Issues related to conflict resolution, mass media and human rights were dealt with in the country programme on the occasion of two events held in 1993. In order to achieve as much impact as possible in these particular fields of interest, thorough preparation was required on the part of the Centre for Human Rights and IRDO. Indeed, constant efforts were made, especially in terms of upgrading the selection of participants and experts, identifying the most appropriate themes and ensuring the interactiveness of the proceedings.

138. The Workshop on Conflict Resolution was the first occasion on which participants were selected by IRDO in close cooperation with the Centre for Human Rights and on the basis of clearly defined, comprehensive criteria (ability to apply knowledge gained and to pass it on to others; ability to influence the conflict-resolution processes).

139. The Seminar on Human Rights and the Media also enjoyed the wide participation of representative journalists, as well as key figures working in related fields. However, some criticism was expressed that specialized human rights journals of non-governmental organizations and the five professional associations of Romanian journalists, which are in a position to exercise influence on strengthening human rights awareness through the media, were absent.

140. As for participating international experts, it appears from their own reports on the media seminar that the wide diversity of their nationalities was highly valued.

141. The topics selected for the conflict resolution workshop (general issues of conflict resolution; conflict resolution and labour conflicts; conflict resolution and minorities; the office of the ombudsman; NGOs) were seen as particularly relevant for the changing Romanian society. The choice of a general theme concerning conflict resolution between citizens and State organs allowed for flexibility in addressing various subjects. The thematic preparation for the workshop was the result of cooperation between the Centre for Human Rights, the Austrian Centre for Peace and Conflict Resolution and IRDO.

142. Both the workshop and the seminar were reportedly characterized by a significant degree of interactivity, allowing for an open debate and criticism relating to the concrete implementation of the topics raised.

143. As far as conflict resolution is concerned, although the Centre was organizing such a workshop for the first time, its interactive and flexible approach was evident in the very structuring of the event, whereby thematic working groups were set up which provided a framework for a more active involvement of participants.

144. A weaker point apparent in both events, however, was the lack of a proper, systematic follow-up methodology.

145. The lessons drawn from these two events and the recommendations they stimulated - mainly with respect to the need to pursue efforts to involve other intergovernmental and non-governmental organizations having assistance programmes in Romania - proved highly useful for the organization of the last two seminars in 1994.

E. Seminars on minorities and child rights

146. It was felt appropriate to deal jointly with these two seminars, for the following main reasons:

- They were the subject of a specific agreement ("Exchange of Standard Letters of Understanding") between the Romanian Government and the Centre for Human Rights, thus practically completing the implementation of the country programme;

- They were organized subsequent to a series of opportunities the parties to the agreement, as well as other actors involved in the programme, had to review the implementation achieved so far (evaluation consultations of December 1993; March 1994 internal meeting of the Centre's staff in connection with the management of the country programme).

147. Accordingly, these last two seminars can be seen as reflecting a new concept in the implementation of the country programme for Romania. Thus, for instance, the organization of the seminars and the responsibilities attached thereto were reallocated to a plurality of actors. Apart from the Ministry of Foreign Affairs (on behalf of the Government) and IRDO (involved as a co-sponsor in the organization of one seminar), a series of governmental and non-governmental organizations with certified expertise in the respective fields took part directly in organizing this segment of the programme.

148. Thus the Council for National Minorities was actively involved in the preparation and organization of the seminar on minorities, while co-organizers of the seminar on child rights were another specialized advisory body of the Government, the National Committee for the Protection of the Child (NCPC), and Save the Children, an NGO with recognized expertise in this area. Another NGO, For Our Children, also took an active part in the proceedings.

149. Apparently, this new approach had repercussions on the seminars' profiles, as pointed out below in the main evaluating points.

150. For reasons which seem attributable to certain problems of communication between the Centre for Human Rights and the Government, and perhaps also to the simultaneous scheduling of similar events, the two seminars were postponed twice. Consequently, some difficulties arose with respect to the early selection of themes to be discussed.

151. Rather paradoxically, these delays did not altogether affect the usefulness of the seminars. The seminar on minorities, for instance, was

preceded by a series of national events, seminars and conferences organized in cooperation with, or under the auspices of, the Council of Europe and the High Commissioner of the Conference on Security and Cooperation in Europe (CSCE). Similarly, the establishment of the Council for National Minorities and the organization of a special training course in this field - under the aegis of the Romanian Academy's Institute for Inter-Ethnic Studies - took place only in 1993.

152. The same point is valid in the field of protecting child rights: the establishment of NCPC, the flourishing of a specialized NGO community and the presentation of the first periodic report pursuant to the Convention on the Rights of the Child occurred during 1993-1994.

153. Despite not taking place under optimal conditions, the seminars appear to have attracted participants and to have potentially generated the impact expected, for the reasons set out below.

1. Approach

154. Both seminars proposed a broad thematic range. Depending on the qualifications and field of interest of the participants, this ambitious approach was criticized or praised.

155. In principle, such a far-reaching approach should not be favoured. A majority of participants felt that shorter and more precisely targeted seminars, courses and workshops would be more efficient and attractive.

156. The seminars had a certain added value, in the sense that they were based on a combination of theoretical and practical methods. Thus the seminar on child rights comprised an applicative section on "alternative protection of children" in the town of Bacau. As for the seminar on minorities, the Council for National Minorities intends to follow up with on-site practical applications outside Bucharest.

157. An improved approach to decentralization was manifest in the organization of these two seminars, and particularly in the projects their organizers drafted on this basis.

2. Participants

158. The audience was extremely diverse, although reportedly partly the same for both seminars. Although this may have been due to the selection of themes of common interest for actors working in the two fields, it raises the issue of coordination between the Centre for Human Rights and the Romanian side with regard to selection of participants.

159. Views differ as to the desirability of having non-homogeneous audiences. Some believe that seminars should have addressed precisely targeted groups. Others are of the opinion that diversity is beneficial for the interactiveness it engenders, as well as for the opportunity it provides for people working in different sectors of the same area to communicate directly.

160. A significant mobility in attendance was also pointed out, and appeared to be motivated by the wide variety of the themes presented.

161. International experts although sometimes insufficiently briefed on local realities or needs and on the training level of participants (the seminar on minorities, in particular), appear to have been of high quality.

162. National experts added oriented expertise and were chosen from a broader spectrum than at previous seminars (e.g. representatives of NGOs active in the field of child protection performed as keynote speakers or rapporteurs). However, they seemed to have a tendency for over long presentations.

3. Follow-up and evaluation

163. While just as spontaneous as in the case of preceding programme activities, the follow-up to these seminars was good. All the participants in the first seminar had minorities as the principal topic of their daily work, or were engaged in a specialized course on the subject. Similarly, the governmental and non-governmental organizers of the seminar on child rights had consistent ongoing programmes in that field. Consequently, there was a certain guarantee that knowledge gained from the seminars would be properly disseminated.

164. The seminars benefited from wide media coverage, partly due to the ample and diverse attendance. The seminar on child rights proved highly effective in generating an informed awareness on this topic of particular interest for Romania.

165. As general comments, assuming that these last seminars are illustrative of the entire cooperation programme, a rather informal follow-up was ensured in most instances, although without a clear understanding of how that should be undertaken in practice. An exception were the arrangements for the last seminar, where the Government should have ensured that a follow-up occurred.

166. Throughout the programme, the actors involved were aware of the "train the trainers" basic concept of the assistance provided, and have endeavoured to put it into practice. However, in the absence of a clear emphasis on this approach, the concept was implemented more in an empirical, albeit enthusiastic manner, than according to a systematic method.

167. Evaluation was also concentrated in the form of internal mission reports, for reasons similar to those already mentioned, to which should be added the novelty of activities undertaken within the country programme and the lack of solid experience.

168. As regards the fellowships, the evaluation team was unable to obtain the necessary information for a performance assessment.

VI. CONCLUSIONS AND LESSONS LEARNED

169. This report has endeavoured to evaluate the approach, strategy and institutional framework of the Romania country programme and the way it was implemented by the agencies involved.

170. The report has been critical of the methodology and appraisal of the principal actors, who, despite difficulties and frictions, have been able to experiment with a new approach to cooperation, and to develop valuable experience and a new model of training and technical assistance.

171. There have been various beneficiaries of the programme, and the number of seminars which have taken place on different topics - within the framework of the programme - have provided a basis for or complement to wider reform efforts for the promotion and protection of human rights. Hundreds of professionals from a wide variety of backgrounds have been informed about human rights and provided with the training necessary to transform these skills into operational knowledge. Laws for the protection of human rights have been drafted and institutions are being strengthened.

172. In a field where indicators for the achievement of objectives are difficult to ascertain, the extent to which this programme has been able to spread knowledge of human rights within the society at large remains unclear, and the sustainability of that knowledge in the long run will depend very much on the coordinated efforts of all those who were involved in the programme in the country itself.

173. For example, training seminars will have had a positive effect if the trainees pursue their efforts in their respective environments. It is well known, for instance, that the training of judges results in the possibility of assessing the extent to which a country's civilian courts are able to function independently and actively to pursue prosecutions of members of the police or armed forces implicated in human rights violations.

174. The training of these same police and armed forces through courses for senior officers can be a useful catalyst in itself. But follow-up activities are vital to ensure that knowledge of obligations under national and international human rights law filters down to officers and men in the field.

175. Thus it is fair to say that the ultimate responsibility for enhancing the effects and results of the programme must inevitably be assumed by the Romanian Government itself, which is the guarantor of its sustainability.

176. The Romania country programme was the "incubator" of new approaches. As such, it had to be tested in a society in transition, where rapid changes required rapid actions, but also flexible reactions to changes.

177. External factors such as the growth of human rights organizations in the country demanded to be taken into account in order to magnify the impact of the programme. Far more attention should have been paid to the activities of non-governmental organizations working for the protection of human rights, to the problems experienced by them, and to ways to help them. More than Governments they can identify the most pressing human rights problems. They can also assess the success or failure of official bodies in dealing with human rights violations. They can help identify the areas where human rights education and training are most needed for the population at large. Such organizations should be more involved in future country programmes and their activities thereby strengthened. In this regard, the Centre for Human Rights can play a uniquely positive role.

178. Although a late redirection of the Romania country programme did attempt to fill this gap, more structured steps have to be taken in the future.

179. Lessons have to be drawn from this experience as regards planning, assessment and evaluation of future programmes. From the outset, it can be said that resources and impact could be magnified - and even better evaluated - by giving more attention to consistency in the work, follow-up and continuity of follow-up to such programmes.

180. The evaluation team welcomes the ongoing reflection already taking place in the Centre for Human Rights among the staff involved in advisory services and technical assistance and can point to the positive effects this achieved in last part of the Romania programme in 1994.

VII. RECOMMENDATIONS

181. The following recommendations emphasize the areas in which the evaluation team believes progress can be made. Certainly some of these recommendations are already being implemented by the Centre for Human Rights.

(a) In all countries where the Centre for Human Rights undertakes advisory services and technical assistance activity, it should do so only after extensive coordination with other United Nations agencies, regional agencies and other donors involved in human rights issues, in order to avoid overlapping of activities and to make full use of possible synergies;

(b) The initial legal agreement setting the basis for cooperation should be accompanied by a memorandum of understanding which takes into account the risk factors that may arise and allows the necessary flexibility to redirect the programme when appropriate;

(c) A comprehensive country programme should be based on a planning document stating clear objectives, measurable indicators, results and activities. Reporting, monitoring and evaluation procedures should be envisaged from the very beginning in the said document;

(d) In any country programme, active steps should be taken to ensure that representatives of non-governmental organizations are invited to and attend all programme activities, and that the views of relevant NGOs on proposed programmes, participants and national experts are sought during the planning process, when possible;

(e) Active and meaningful participation of organizations and groups of civil society should be a constant feature in any multi-component programme;

(f) Constant efforts should be made to decentralize the implementation of programme activities and to broaden their geographical scope to the greatest extent possible;

(g) Country programmes, especially comprehensive ones, should be assigned to a programme officer from the Centre for Human Rights and continuity should, as much as possible, be sought in this direction, as well as backup support;

(h) Appropriate criteria should be laid down for the selection of participants in seminars, training courses, workshops, fellowships or study visits. Special attention should be paid to the targets to be reached and to the ability and sense of responsibility of these participants to spread the knowledge gained;

(i) The selection of topics for seminars should be better tailored to the specific educational needs and interests of the audience;

(j) International experts should be provided with adequate and timely information before they travel to the venue of their mission, and it should be understood that they will follow up the mission with a full report on their activities;

(k) National experts should be briefed well in advance on the level of knowledge and expectations of the participants, as well as the expectations of the organizers. It should also be understood that they have the responsibility to continue their dissemination efforts;

(l) If the services of a "long-term" expert are deemed necessary, they should be provided on the basis of clear criteria of efficiency, cost effectiveness and goals to be reached. For the sake of neutrality, such experts should not be part of the directing or management bodies of national institutions or national NGOs;

(m) As far as the evaluation of a programme is concerned, the Centre for Human Rights should examine the feasibility of incorporating provisions on the timing and character of the final external evaluation in the initial memorandum of understanding. In any case, a clear methodological approach should be adopted for all evaluations;

(n) An internal audit of the total cost of a programme should become current practice, if this is not currently the case;

182. In addition to these general recommendations, the evaluation team recommends that an independent review of the functioning of the Romanian Institute for Human Rights take place as soon as possible, in order to take stock of its experience and examine its priorities, taking into account the changing needs of the society.